

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ANTHONY ESCUDERO,  
Plaintiff,  
v.  
UNKNOWN,  
Defendant.

No. 2:20-cv-2450 AC P

ORDER

Plaintiff, who is currently held in the Shasta County Jail, has filed a brief letter with the court in which he appears to complain about marks left on his skin by a TB test. No other documents have been filed by plaintiff. In order to properly commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and plaintiff must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis.<sup>1</sup> See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced. Therefore, plaintiff's letter will be disregarded. Plaintiff will be provided an opportunity to file a complaint, and to submit an application requesting leave to proceed in forma pauperis or the appropriate filing fee.

////

---

<sup>1</sup> If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's letter (ECF No. 1) shall be disregarded; any relief sought therein is DENIED without prejudice.

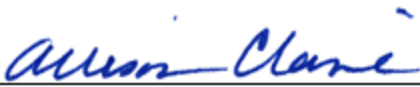
2. Plaintiff is granted thirty (30) days from the date of this order to file a complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice; the complaint must bear the docket number assigned this case; plaintiff must file an original and two copies of the complaint. Plaintiff shall also submit, within thirty (30) days from the date of this order, the application to proceed in forma pauperis on the form provided by the Clerk of Court, or the filing fee in the amount of \$400.00.<sup>2</sup>

3. Plaintiff's failure to comply with this order will result in a recommendation that this matter be dismissed.

4. The Clerk of the Court is directed to: (1) note on the docket that ECF No. 1 is disregarded; and (2) send plaintiff, together with a copy of this order, the court's form for commencing a civil rights action, and a blank application to proceed in forma pauperis by a prisoner.

SO ORDERED.

DATED: December 21, 2020

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

<sup>2</sup> The \$402.00 is comprised of the \$350.00 filing fee and a \$52.00 administrative fee. If plaintiff is granted leave to proceed in forma pauperis, plaintiff is not required to pay the \$52.00 administrative fee.